

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSE RODRIGUEZ,

Plaintiff,

-against-

ORDER

19-CV-4489 (JS) (AKT)

NASSAU COUNTY CORRECTIONAL CENTER,
CAPT. DONAHUE,

Defendants.

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APPEARANCES

For Plaintiff: Jose Rodriguez, pro se
18007479
Nassau County Correctional Center
100 Carman Avenue
East Meadow, New York 11554

For Defendants: No appearances.

SEYBERT, District Judge:

On July 29, 2019, incarcerated pro se plaintiff Jose Rodriguez ("Plaintiff") filed a Complaint in this Court. However, Plaintiff did not remit the filing fee nor did he file an application to proceed in forma pauperis. Accordingly, by Notice of Deficiency dated August 5, 2019 (the "Notice"), Plaintiff was instructed that, in order for his case to proceed he must, within fourteen (14) days, either remit the filing fee or file the enclosed application to proceed in forma pauperis and Prisoner Litigation Authorization form ("PLRA"). (See Notice, D.E. 2.)

On August 13, 2019 the Notice was returned to the Court,

marked "Return to Sender", "Unable to Forward", and "Discharged". (See D.E. 6.) To date, Plaintiff has not updated his address nor has he paid the filing fee or has he filed an application to proceed in forma pauperis. Accordingly, it appears that Plaintiff is no longer interested in pursuing this case and it is thus DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to CLOSE this case and to mail a copy of this Order to the pro se Plaintiff.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: October 10, 2019
Central Islip, New York